



Entered on Docket  
June 22, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,

Case No. BK-S-06-10725-LBR

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**Order Sustaining First Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based Entirely Upon Investment In The  
60<sup>th</sup> Street Venture, LLC Loan**

Hearing Date: June 15, 2010  
Hearing Time: 9:30 a.m.

The Court having considered the “First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment In The 60th Street Venture, LLC Loan” [DE 8045] (the “Objection”); the Court having heard the Objection on June 15, 2010; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

1           **IT IS ORDERED** that:

2           1.     The Objection [DE 8045] is sustained;

3           2.     The claims listed on **Exhibit A** attached are disallowed to the extent those  
4     claims are based upon an investment in the 60th Street Venture, LLC Loan for the reasons  
5     set forth in the objection.

6           3.     The claims listed on **Exhibit A** are not affected by this order to the extent  
7     they are based upon an investment in another loan.

8     PREPARED AND RESPECTFULLY SUBMITTED BY:

9     **LEWIS AND ROCA LLP**

10  
11     By/s/ Robert M. Charles, Jr. (# 6593)

12             Robert M. Charles, Jr.

              John Hinderaker (*pro hac vice*)

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15     *Attorneys for USACM Liquidating Trust*  
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## CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

|   |   |
|---|---|
| U.S. Trustee:   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party:  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.  
Attorneys for USACM Liquidating Trust

# # #

**Exhibit A**

| <b>Claim</b> | <b>Name</b>      | <b>Address</b>  | <b>Total<br/>Claim<br/>Amount</b> | <b>Approximate<br/>Amount<br/>Subject to<br/>Objection<br/>Because it<br/>Relates to an<br/>Investment<br/>In the 60th<br/>St. Venture,<br/>LLC Loan</b> |
|--------------|------------------|---|-----------------------------------|--|
| 10725-01342  | Richard G. Adams | 6990 East Thirsty Cactus Lane<br>Scottsdale, AZ 85262 | \$26,280.40                       | \$26,280.40  |
| 10725-00726  | David Foxcroft   | 2605 East Flamingo Road<br>Las Vegas, NV 89121        | \$60,000.00                       | \$60,000.00  |